

further detects the presence of the infrared device when it is within line of sight range of the base station.

As explained in detail in applicant's last response, De La Huerga teaches that either infrared or radio transponders may be used, but nowhere discloses or suggests that both be used in combination on the same portable unit as claimed. It accordingly submitted that De La Huerga does not anticipate independent claim 90 or its dependent claims, all of which require the use of both radio range detection and infrared line of sight detection.

In the final rejection, the Examiner stated that applicant's arguments as previously presented regarding anticipation by De La Huerga were not persuasive. With respect to independent claim 90, the Examiner stated that De La Huerga "discloses both radio device and infrared device see Col 13 Ln 3-13, where De La Huerga suggests of an secondary device further discloses the Col 14 Ln 36-39 & Col 10 Ln 11-16."

Reconsideration is again requested. In the cited passage at col. 13, lines 3-13, De La Huerga describes how a bracelet might be designed "so that it can transmit (and receive) infrared information from many secondary transmitters positioned at different bracelet surface points. . ." Thus, this passage teaches the use of multiple infrared transponders, but does not disclose or suggest that the combination of radio and infrared transponders be used as claimed.

The cited passage at col. 14, lines 36-39 of De La Huerga describes a bracelet which includes a plurality of RF transponders (seen at 560 in Fig. 12) but does not disclose or suggest a bracelet that employs the combination of RF and infrared transponders as claimed.

Finally, the passage at col. 10, lines 3-13 describes how a single infrared transponder (seen at 234 in the transceiver 200 as shown in Fig. 10) can receive infrared signals from a hand held device (HHD 300 seen in Fig. 9). Nothing in this passage, or in the other passages cited by the Examiner, discloses or suggests that a portable communications unit worn on the body could or should include the combination of both a radio device and an infrared device. Moreover, none of the cited passages discloses or suggests a base station that detects the presence of the radio device when it is within radio range of the base station and further detects the presence of the infrared device when it is within line of sight range of the base station. This combination of elements is expressly set forth in independent claim 90.

Reconsideration and allowance of independent claim 90 and its dependent claims 91-94, 98-101, 103-108 and 110-116, all of which were rejected as being anticipated by De La Huerga, is accordingly requested.

Additional comments on the dependent claims

Regarding dependent claim 91-93 and 110-115, De La Huerga discloses attaching a body worn bracelet so that it can't be removed without destroying the bracelet at col. 9, lines 41-5. Further, at col. 14, lines 4-15, De La Huerga discloses disabling the memory unit of the body worn device if one attempts to remove it from the body. As pointed out in applicant's last response, however, De La Huerga does not describe transmitting a signal to the base station in response to the removal of the body worn unit from the body as set forth in dependent claims 93, 111 and 114-115, nor does De La Huerga describe an audible alarm that is activated in response to the removal of communications unit as set forth in claims 98-99.

In the final rejection, the Examiner stated that the foregoing arguments regarding dependent claims 93, 98-99, 111 and 114-115 were found not persuasive. The Examiner stated that "De La Huerga discloses the audible alarm see Col 11 Ln 54-65 which is responsive to transmitting or receiving signal (which could reasonably include removal) and further the detection of removal Col 14 Ln 4-15 & Col 9 Ln 41-51." Accordingly, the Examiner is apparently rejecting these dependent claims based on what De La Huerga's radio signals "could reasonably include" and not on anything that De La Huerga actually teaches or suggests.

Applicant agrees with the Examiner's statement that a "reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments (citations omitted)." But here there is no basis for concluding that De La Huerga would have reasonably suggested that the body worn device could or should include "means for transmitting a signal to said computing system in response to the detection of the removal of said communications unit from the body of said person." None of the embodiments described by De La Huerga include a mechanism for transmitting a signal in response to the detection of the removal of the communications unit from the body.

As pointed out the be Examiner, De La Huerga describes disabling the memory in the body worn device if an attempt is made to remove it (col. 14, lines 4-15) or destroying the bracelet if an attempt is made to remove it (col. 9, lines 41-51). But nowhere does De La Huerga

disclose or suggest transmitting a signal to the computing system in response to the detection of the removal of the communications unit from the body as claimed. And nowhere does De La Huerga disclose or suggest an audible alarm that is activated in response to the removal of communications unit.

It is axiomatic that “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally, M.P.E.P §2131. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The Examiner’s suggestion that De La Huerga’s radio signals “could reasonably include” an indication of the removal of the communications unit is based on nothing but hindsight in light of applicants’ disclosure, and is not supported by any teaching in the cited reference. The rejection of claims 93, 98-99, 111 and 114-115 should accordingly be withdrawn for this additional reason.

With respect to dependent claim 100, the Examiner has taken the view that the recitation that the “identification data includes a stored password known to said person,” and the further recitation that the functions performed by the computing system include “requesting and accepting the entry of a user-supplied password for comparison with said stored password to confirm the identity of said person,” if broadly interpreted, fail to distinguish over the comparison De La Huerga performs to validate the identity of the person. While applicants again submit that De La Huerga does not teach that the portable communication device stores password data, and further does not teach that the computer system “accepts the entry of a user-supplied password,” applicant relies here on the showing made above with respect to the demonstrated allowability of the parent claim 90 upon which claim 100 is dependent.

Regarding dependent Claim 107, applicants withdraw the contention expressed in the last amendment that claim 107 was independently allowable because De La Huerga does not disclose communications using both a radio link and an infrared link as set forth in claim 107. While that is true, as pointed out above with respect to parent claim 90, applicants concede that the additional limitations expressed in dependent claim 107 are satisfied by De La Huerga’s teaching of a communications link using either radio or infrared transmission. Applicants here request